

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0604-AIR-E TCEQ ID: RN100219310 CASE NO.: 33225**  
**RESPONDENT NAME: Valero Refining-Texas, L.P.**

Page 1 of 3

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Valero Refining Houston Refinery, 9701 Manchester Street, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one pending enforcement action, Docket No. 2006-2218-AIR-E, regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 30, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>     <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768     <b>TCEQ Enforcement Coordinator:</b> Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629;     Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896     <b>Respondent:</b> Mr. Clayton Falcon, Environmental Manager, Valero Refining-Texas, L.P., 9701 Manchester Street, Houston, Texas 77012                     Ms. Karen S. Bowsky, Vice President &amp; General Manager, Valero Refining-Texas, L.P., 9701 Manchester Street, Houston, Texas 77012     <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigations Relating to this Case:</b> April 3, 2007, April 5, 2007 and April 27, 2007</p> <p><b>Date of NOEs Relating to this Case:</b> April 13, 2007, April 23, 2007 and May 3, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine scheduled record review.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 50232, and Tex. Health &amp; Safety Code § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 2501A, Special Condition No. 1, and Tex. Health &amp; Safety Code § 382.085(b)].</p> <p>3) Failure to prevent unauthorized emissions. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 § 101.222 [30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 50232, and Tex. Health &amp; Safety Code § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$46,150</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$23,075</p> <p><b>Total Paid to General Revenue:</b> \$23,075</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b></p> <p>This was a Findings Order because of the large quantities of pollutants emitted as a result of the avoidable emissions events. Human health or the environment were considered to have been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that Valero has implemented the following corrective measures at the Plant:</p> <p>a) On March 19, 2007, completed the installation of high pH and low pH alarm points on the Fluid Catalytic Cracking Unit Wet Gas Scrubber quench circulation loop and filter module circulation loop. The audible alarms have been installed on the distributive control system to notify the operators when the wet gas scrubber falls outside its normal operating window (Incident 88446); and</p> <p>b) On April 9, 2007, disabled the caustic blending system to prevent its malfunction. At present the caustic is directly routed to the Wet Gas Scrubber bypassing the blending system (Incident 898363).</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>3) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Ensure that training on the Belco Wet Gas Scrubber operation has been provided to the Fluid Catalytic Cracking Unit supervisors and console operators (Incident 88446); and</p> <p>ii. Implement measures to ensure that the relief valves and such devices in the Amine Unit operate correctly and supervisory and operations personnel are adequately trained to prevent such incidents (Incident 88703).</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written</p>

		certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public.
--	--	--



Attachment A  
Docket Number: 2007-0604-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Valero Refining-Texas, L.P.</b>
<b>Payable Penalty Amount:</b>	<b>Forty-Six Thousand One Hundred Fifty Dollars (\$46,150)</b>
<b>SEP Amount:</b>	<b>Twenty-Three Thousand Seventy-Five Dollars (\$23,075)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality.***

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088





The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	16-Apr-2007	<b>Screening</b>	7-May-2007	<b>EPA Due</b>	8-Jan-2008
	<b>PCW</b>	7-May-2007				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Valero Refining-Texas, L.P.		
<b>Reg. Ent. Ref. No.</b>	RN100219310		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	33225	<b>No. of Violations</b>	3	
<b>Docket No.</b>	2007-0604-AIR-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Nadia Hameed	
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 5	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$35,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **223%** Enhancement **Subtotals 2, 3, & 7** **\$78,050**

**Notes**  
Penalty enhancement due to two 1660 agreed orders with denial of liability, one findings order, one court order with denial of liability, one court order with criminal conviction, ten same or similar NOV's, and fourteen non-similar NOV's of which seven were Discharge Monitoring Reports (DMRs).

**Culpability** **No** **0%** Enhancement **Subtotal 4** **\$0**

**Notes**  
The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **0%** Reduction **Subtotal 5** **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes**  
The Respondent does not meet the good faith criteria.

**0% Enhancement\*** **Subtotal 6** **\$0**  
Total EB Amounts **\$57**  
Approx. Cost of Compliance **\$7,600**  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$113,050**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount** **\$113,050**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$46,150**

**DEFERRAL** **0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$46,150**



Screening Date 7-May-2007

Docket No. 2007-0604-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33225

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Nadia Hameed

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	10	50%
	Other written NOV's	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	1	50%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 223%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Penalty enhancement due to two 1660 agreed orders with denial of liability, one findings order, one court order with denial of liability, one court order with criminal conviction, ten same or similar NOV's, and fourteen non-similar NOV's of which seven were Discharge Monitoring Reports (DMRs).

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 223%



Screening Date 7-May-2007

Docket No. 2007-0604-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33225

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Standard Permit No. 50232, and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to prevent unauthorized emissions. Specifically, 27,853 pounds ("lbs") of sulfur dioxide ("SO<sub>2</sub>") was released when Valero failed to control or maintain the strength of the caustic solution in the Belco Wet Gas Scrubber at the Complex 1 Regenerator, resulting in an emissions event that occurred on March 18, 2007, and lasted for fifty-one hours (Incident No.88446). Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

## &gt;&gt;Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events 3

3 Number of violation days

mark only one with an x	daily	x
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$30,000

Three daily events are recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$96,900

This violation Final Assessed Penalty (adjusted for limits) \$30,000





## Economic Benefit Worksheet

**Respondent** Valero Refining-Texas, L.P.  
**Case ID No.** 33225  
**Reg. Ent. Reference No.** RN100219310  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	18-Mar-2007	30-Sep-2007	0.5	\$40	n/a	\$40
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	18-Mar-2007	19-Mar-2007	0.0	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost of training personnel on wet gas scrubber operations and installation of audible alarms. Date required is the date of the emissions event. Final dates are the date by which the corrective actions were and are expected to be completed.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$6,500	TOTAL	\$41
----------------------------	---------	-------	------



Screening Date 7-May-2007

Docket No. 2007-0604-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33225

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit No. 2501A, Special Condition No. 1, and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to prevent unauthorized emissions. Specifically, 195.60 lbs volatile organic compounds, 130.40 lbs of carbon monoxide, 18.70 lbs of nitrogen oxides, 16.80 lbs of hydrogen sulfide and 1,545.50 lbs of SO<sub>2</sub> were released when the Respondent failed to control a pressure increase in the Amine Absorber in the Amine Recovery Unit, resulting in an emissions event that occurred on March 22, 2007, and lasted for sixteen hours and fifteen minutes (Incident No.88703). Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

## &gt;&gt;Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$8,075

This violation Final Assessed Penalty (adjusted for limits) \$8,075



## Economic Benefit Worksheet

**Respondent** Valero Refining-Texas, L.P.  
**Case ID No.** 33225  
**Reg. Ent. Reference No.** RN100219310  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	22-Mar-2007	15-Jul-2007	0.3	\$8	n/a	\$8
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	22-Mar-2007	15-Jul-2007	0.3	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost of training and or procedural changes necessary to ensure control of pressure in the Amine Unit. Date required is the date of the emissions event. Final date is the date by which the corrective actions are expected to be completed.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,000	TOTAL	\$16
----------------------------	---------	-------	------



Screening Date 7-May-2007

Docket No. 2007-0604-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33225

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Standard Permit No. 50232, and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to prevent unauthorized emissions. Specifically, 1,463 lbs of sulfur dioxide ("SO2") was released when the Respondent failed to prevent the malfunction of the caustic blending system in the Complex 1 Regenerator, resulting in an emissions event that occurred on April 6, 2007, and lasted for five hours (Incident No.89363). Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$8,075

This violation Final Assessed Penalty (adjusted for limits) \$8,075





## Economic Benefit Worksheet

**Respondent** Valero Refining-Texas, L.P.

**Case ID No.** 33225

**Reg. Ent. Reference No.** RN100219310

**Media** Air

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	6-Apr-2007	9-Apr-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for by-passing the caustic blending system. Date required is the date of the emissions event. Final date is the date when the corrective action was completed.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$0



# Compliance History

Customer/Respondent/Owner-Operator:	CN600127468	Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 8.36
Regulated Entity:	RN100219310	VALERO REFINING HOUSTON REFINERY	Classification: AVERAGE	Site Rating: 35.25
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0130C	
	AIR OPERATING PERMITS	PERMIT	1381	
	AIR OPERATING PERMITS	PERMIT	1381	
	AIR NEW SOURCE PERMITS	PERMIT	36395	
	AIR NEW SOURCE PERMITS	PERMIT	36394	
	AIR NEW SOURCE PERMITS	PERMIT	36392	
	AIR NEW SOURCE PERMITS	PERMIT	37103	
	AIR NEW SOURCE PERMITS	PERMIT	37102	
	AIR NEW SOURCE PERMITS	PERMIT	37101	
	AIR NEW SOURCE PERMITS	PERMIT	37694	
	AIR NEW SOURCE PERMITS	PERMIT	38961	
	AIR NEW SOURCE PERMITS	PERMIT	40306	
	AIR NEW SOURCE PERMITS	PERMIT	41495	
	AIR NEW SOURCE PERMITS	PERMIT	42119	
	AIR NEW SOURCE PERMITS	PERMIT	42999	
	AIR NEW SOURCE PERMITS	PERMIT	44387	
	AIR NEW SOURCE PERMITS	PERMIT	45273	
	AIR NEW SOURCE PERMITS	PERMIT	45869	
	AIR NEW SOURCE PERMITS	PERMIT	46784	
	AIR NEW SOURCE PERMITS	PERMIT	47004	
	AIR NEW SOURCE PERMITS	PERMIT	47166	
	AIR NEW SOURCE PERMITS	PERMIT	48166	
	AIR NEW SOURCE PERMITS	PERMIT	50138	
	AIR NEW SOURCE PERMITS	PERMIT	50232	
	AIR NEW SOURCE PERMITS	PERMIT	8483A	
	AIR NEW SOURCE PERMITS	PERMIT	2501A	
	AIR NEW SOURCE PERMITS	PERMIT	7144A	
	AIR NEW SOURCE PERMITS	PERMIT	7158A	
	AIR NEW SOURCE PERMITS	PERMIT	8092A	
	AIR NEW SOURCE PERMITS	PERMIT	33933	
	AIR NEW SOURCE PERMITS	PERMIT	34151	
	AIR NEW SOURCE PERMITS	PERMIT	34119	
	AIR NEW SOURCE PERMITS	PERMIT	34094	
	AIR NEW SOURCE PERMITS	PERMIT	33180	
	AIR NEW SOURCE PERMITS	PERMIT	33383	
	AIR NEW SOURCE PERMITS	PERMIT	28324	
	AIR NEW SOURCE PERMITS	PERMIT	19637	
	AIR NEW SOURCE PERMITS	PERMIT	19294	
	AIR NEW SOURCE PERMITS	PERMIT	10580A	
	AIR NEW SOURCE PERMITS	PERMIT	2507A	
	AIR NEW SOURCE PERMITS	PERMIT	2498A	
	AIR NEW SOURCE PERMITS	PERMIT	10471A	
	AIR NEW SOURCE PERMITS	PERMIT	13020A	
	AIR NEW SOURCE PERMITS	PERMIT	36390	
	AIR NEW SOURCE PERMITS	PERMIT	35206	
	AIR NEW SOURCE PERMITS	PERMIT	71919	
	AIR NEW SOURCE PERMITS	REGISTRATION	55752	
	AIR NEW SOURCE PERMITS	PERMIT	48982	
	AIR NEW SOURCE PERMITS	REGISTRATION	75514	
	AIR NEW SOURCE PERMITS	AFS NUM	4820100065	
	AIR NEW SOURCE PERMITS	PERMIT	70289	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0130C	
	AIR NEW SOURCE PERMITS	PERMIT	71281	
	AIR NEW SOURCE PERMITS	REGISTRATION	71680	
	AIR NEW SOURCE PERMITS	PERMIT	54616	
	AIR NEW SOURCE PERMITS	PERMIT	54513	
	AIR NEW SOURCE PERMITS	PERMIT	56205	
	AIR NEW SOURCE PERMITS	PERMIT	50600	
	AIR NEW SOURCE PERMITS	PERMIT	54510	
	AIR NEW SOURCE PERMITS	REGISTRATION	73824	
	AIR NEW SOURCE PERMITS	REGISTRATION	73869	
	AIR NEW SOURCE PERMITS	REGISTRATION	73902	

AIR NEW SOURCE PERMITS	REGISTRATION	74363
AIR NEW SOURCE PERMITS	REGISTRATION	76694
AIR NEW SOURCE PERMITS	REGISTRATION	78537
AIR NEW SOURCE PERMITS	REGISTRATION	78574
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1087
AIR NEW SOURCE PERMITS	PERMIT	80493
AIR NEW SOURCE PERMITS	REGISTRATION	81166
AIR NEW SOURCE PERMITS	REGISTRATION	81526
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD053624193
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30520
WASTEWATER	PERMIT	WQ0000535000
WASTEWATER	PERMIT	TPDES0002976
WASTEWATER	PERMIT	TX0002976
STORMWATER	PERMIT	TXR05K869
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30520

Location: 9701 MANCHESTER ST, HOUSTON, TX, 77012 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 13, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 16, 2002 to April 16, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: NHameed Phone: 713-767-3629

#### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

#### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A	Effective Date: 07/03/2003	ADMINORDER 2001-0852-AIR-E
Classification: Moderate		
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c)	
	5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	SC 2 PERMIT	
Description:	Failure to limit visible emissions to 20% averaged over any six-minute period during soot blowing at the Fluidized Catalytic Cracking Unit's catalyst regenerator stack and vent, EPN 42CB2001 on 7/12/99, 6/15/00, and 1/1/01.	
Classification: Moderate		
Citation:	30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B) 5C THC Chapter 382, SubChapter A 382.085(b)	
Description:	Failure to submit a notification for a reportable opacity upset that occurred on 7/12/99 at the FCCU catalyst regenerator stack.	
Classification: Moderate		
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D) 5C THC Chapter 382, SubChapter A 382.085(b)	
Description:	Failed to equip an external floating roof tank (90FB004) roof drain with a slotted membrane fabric that covers at least 90% of the drain opening.	
Classification: Moderate		

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.352(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to make a first attempt at repair within 5 calendar days of discovery of leaks for two valves in volatile organic compound service.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to monitor valves in HAP and light liquid service (Combination Crude Unit) at least quarterly or each calendar quarter using Method 21 in 40 CFR 60 Appendix A.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354[G]  
30 TAC Chapter 115, SubChapter D 115.356(1)(D)

30 TAC Chapter 115, SubChapter D 115.357(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to record and maintain monitoring dates of components which contact a process fluid containing VOCs having a true vapor pressure equal or less than 0.44 psia at 68 degrees F that are inspected visually rather than with a hydrocarbon analyzer.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 10 PERMIT

Description: Failed to maintain a continuous emissions monitoring system to measure and record in-stack concentration of oxides of nitrogen and sulfur dioxide from the FCCU regenerator stack, EPN 42CB2001 during Sept, Oct, Nov 99 and June, July 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC2 PERMIT

Description: Failure to comply with permitted limit established in the MAERT for SO<sub>2</sub> at the SRU Tail Gas Incinerator.

Effective Date: 03/14/2004

ADMINORDER 2003-0519-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to comply with emission limits stated in the Air Permit No. 2501A, the Maximum Allowable Emission Rate Table (MAERT) at EPN 30FL5 on December 10, 2002 and February 10, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with emission limits stated in the Air Permit No. 2507A, the MAERT limits at EPN 30FL5 and EPN 46CB6301 on December 10, 2002 and February 10, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Special Condition No. 4 PERMIT

Description: Failure to route the refinery acid gas to the Sulfur Recovery Unit before emitting the gas from Flare EPN 30FL5 on December 10, 2002 and February 10, 2003.

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]

Rqmt Prov: 2501A PA

Description: Failure to comply with the allowable emission limit (SC1) detected during a reference method stack test performed on March 13, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 19637/PSD-TX-767M2, Special Condition 4 PA

Description: Failure to maintain the refinery-gas sulfur content to below the permit allowable limit of 10 grains per 100 dry standard cubic foot.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 2498A, Special Condition 4 PA

Description: Failure to comply with the permitted fuel-gas sulfur content limit of 0.1 grain per dry standard cubic foot as required in TCEQ Permit No. 2498A, Special Condition 4.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206[G]

Description: Failure to comply with the operating restrictions for stationary diesel engines located in the Houston/Galveston ozone nonattainment area by operating the firewater pumps for testing and maintenance purposes between the restricted hours of 6:00 a.m. and noon.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)

Description: Failure to include the date(s) of operation and the total hours of operation for each month and for the most recent 12 consecutive months, in the operating records for the firewater pumps.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

Rqmt Prov: Special Condition 2 PERMIT

Description: Failure to maintain the fuel-gas hydrogen sulfide content to below the allowable limit of 0.10 grain per dry standard cubic foot.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Description: The open-ended valves next to components 42154, 42115, and 4290 had no cap, blind flange, or second valve and the open-ended line between valve 42101 and 4299 was unsealed.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Part 63, Subpart CC 63.654(h)(1)

Description: During the investigation conducted on March 26, 2003, it was determined that the regulated entity failed to include in the August 27, 2002 and February 26, 2003 Refinery MACT Periodic Reports for the Startup, Shutdown and Malfunction Plan, all flare pilot light outages.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(i)

Description: During the investigation conducted on March 26, 2003, it was determined that the regulated entity failed to include all valves for which there were leaks and the total valves monitored in the periodic report

required by 30 TEX. ADMIN. CODE § 101.20(2), 40 CFR § 63.182(d)(2)(i).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(iii)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Special Condition 4J PERMIT

Description: During the investigation conducted on March 26, 2003, it was determined that the regulated entity failed to make records of gas/hydraulic testing on new/reworked piping available upon request to a local air pollution control agency having jurisdiction over the site.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the authorized emissions limitations of 74.8 lbs/hr for volatile organic compounds (VOC), 3.7 lbs/hr for oxides of nitrogen (NOx), and 26.8 lbs/hr for carbon monoxide (CO).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)

Description: Failure to install a continuous monitoring system to measure and record sulfur dioxide emissions from a fuel-gas combustion device.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the authorized emissions limitations of 1.36 lbs/hr for volatile organic compounds (VOC), 0.26 lbs/hr for oxides of nitrogen (NOx), and 1.34 lbs/hr for carbon monoxide (CO).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(B)  
Description: Failure to obtain a permit amendment prior to varying from permit application representations and causing a change in the character of emissions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: SC1 PERMIT

Description: Failure to comply with the allowable emission limit detected during a reference method stack test.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 6:18 a.m. was 45.76%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 10:06 a.m. was 46.03%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA



Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 6:00 p.m. was 40.15%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 7:06 p.m. was 63.5%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 8:36 p.m. was 42.7%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 9:30 p.m. was 53.8%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 11:48 a.m. was 41.3%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 2:30 p.m. was 39.7%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 5:54 p.m. was 38.65%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 6:00 a.m. was 72.72%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 1:12 p.m. was 100%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent more than 20% opacity of emissions, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 [30 TEX. ADMIN. CODE Chapter 116.5(c)].

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Violation of permit special condition.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

Description: Failure to meet the initial reporting requirements involving Valeros Refining - Texas, L.P. (VHR) authorized limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to meet the reporting requirements that Valero Refining-Texas L.P. submit the proper authorized emissions limits in the final record for a facility involved in an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA  
Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA  
Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2507A.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA  
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all refinery acid gas shall be routed to the SRU.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
Description: Failure to meet the initial reporting requirements involving Valeros Refining - Texas, L.P. (VHR) authorized limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
Description: Failure to meet the reporting requirements that Valero Refining-Texas L.P. submit the proper authorized emissions limits in the final record for a facility involved in an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA  
Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA  
Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2507A.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA  
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all acid gas shall be routed to the SRU.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
Description: Failure to report the correct facility in the initial notification.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
Description: Failure to report the correct facility in the final record.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
Description: Failure to report the correct facility in the initial notification.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)[G]

Description: Failure to submit an opacity event notification in a timely manner after an initial maintenance notification's opacity estimate was exceeded.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

Description: Failure to submit an initial notification with the proper authorized emissions limitations.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to indicate the proper authorized limits for the emissions event in the final records submitted to the BAQC.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to list the correct facility for each pollutant released during this emissions event in the initial notification.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to list the proper facility in the final record from which each pollutant originated.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the authorized limits in the Maximum Allowable Emissions Rates Table.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the authorized limits in the Maximum Allowable Emissions Rates Table.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]

Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all refinery acid gas shall be routed to the SRU.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(6)

Description: Failure to have the duration for the excess opacity event in the notification. This is a violation of 30 TEX. ADMIN. CODE Chapter 101.201(E)(6).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(7)

Description: Failure to submit the correct opacity estimate in the submittal of an excess opacity event. This is a violation of 30 TEX. ADMIN. CODE Chapter 101.201(E)(7).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to keep the allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) from exceeding 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to keep the allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) from exceeding 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A & 2507A PA

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits

specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A. For the FCC flare see additional discussion for emissions, limits, dates, and durations, for each incident.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all refinery acid gas shall be routed to the SRU. This occurred 5 times for a total duration of 4 hours and 56 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to keep the allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) from exceeding 20% averaged over a 6-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)). (Section 4)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Rqmt Prov: 40 CFR 60.104(a)(1) PA

Description: Failure to comply with applicable New Source Performance Standards (NSPS). The FCC flare, a fuel-gas combustion device combusted fuel gas with a hydrogen sulfide (H<sub>2</sub>S) content exceeding 0.10 grain (gr) per dry standard cubic foot (dscf). The H<sub>2</sub>S content was 27.1 grs/dscf for a duration of 4 hours and 56 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A & 2507A PA

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits, and duration.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing refinery acid gas to a flare instead of the sulfur recovery unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Rqmt Prov: 40 CFR 60.104(a)(1) PA

Description: Failure to comply with applicable New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grains per dry standard cubic foot of hydrogen sulfide at the FCC Flare EPN 30FL5

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas L.P. identify the authorized emissions limits for the facility involved in the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing acid gas to a flare instead of the sulfur recovery unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A and 2507A PA

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits, and duration.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Rqmt Prov: 40 CFR 60.104(a)(1) PA

Description: Failure to comply with applicable New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grains per dry standard cubic foot of hydrogen sulfide at the FCC Flare EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 63, Subpart CC 63.648(c)  
40 CFR Part 63, Subpart H 63.167[G]

Rqmt Prov: 2501A PERMIT

Description: Failure to equip three open-ended valves with a second valve, plug, cap or a blind. Those valves are in organic hazardous air pollutant (HAP) service because they contain or contact a fluid that is at least 5 percent by weight of total organic HAPs and subject to MACT regulations.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.355(1)

30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 63, Subpart CC 63.648(c)(1)  
40 CFR Part 63, Subpart H 63.180(b)[G]

Rqmt Prov: 2501A PERMIT

Description: Failure to perform fugitive monitoring, at the FCC unit, in accordance with 40 CFR 60, Appendix A, Reference Method 21.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart CC 63.654(d)(1)  
40 CFR Part 63, Subpart H 63.182(d)[G]

Rqmt Prov: 2501A PERMIT

Description: Failure to report two leaking pumps as delay of repair components in the MACT Subpart CC semi-annual report dated January 27, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]

Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants. See additional discussion for emissions, limits, and duration.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas L.P. submit the compound descriptive type of all individually known emissions released during this emissions event that exceeded a reportable quantity.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas L.P. submit the compound descriptive type of all individually known emissions released during this emissions event that exceeded a reportable quantity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]

Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants. See additional discussion for emissions, limits, and duration.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]

Description: Failure to meet initial notification requirements that Valero Refining - Texas L.P. submit the initial notification as soon as practicable, but not later than 24 hours after the discovery of an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to meet final record requirements that Valero Refining - Texas L.P. submit the final record as soon as practicable, but not later than two weeks after the end of an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PERMIT  
TCEQ Air Permit No. 2507A PERMIT

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Permit Air Nos. 2501A and 2507A for the Fluid Catalytic Unit Flare. See Additional Discussion for details on emissions, limits and duration for this emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Regenerator Stack.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT.60, SubPT J 60.104(a)(1)

Description: Failure to comply with applicable New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grains per standard cubic foot of hydrogen sulfide at the FCC Flare (EPN 30 FL 5).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PERMIT



Description: Failure to comply with the requirements of TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing acid gas to FCC Flare (EPN 30 FL 5) instead of processing it in the sulfur recovery unit.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Regenerator Stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Regenerator Stack.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to submit authorization (rule or permit number) in the final record of emissions event that occurred on February 23, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA  
TCEQ Air Permit No. 2507A PA

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC § 101.222 for an emissions event that occurred on May 12, 2004 and lasted for five hours and ten minutes from the MEA Regenerator and the FCC Flare, EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the appropriate New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grain per standard cubic foot of Hydrogen Sulfide at the FCC Flare, EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the permit requirement to route refinery acid gas and sour water stripper overhead to the SRU during an emissions event that occurred on May 12, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA  
TCEQ Air Permit No. 2507A PA

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC § 101.222 for an emissions event that occurred on May 19, 2004 and lasted for one hour and 14 minutes from the MEA Regenerator and the FCC Flare and one hour and 28 minutes from the Sour Water Stripper, EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT.60, SubPT.J 60.104(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the appropriate New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grain per standard cubic foot of Hydrogen Sulfide at the FCC Flare, EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the permit requirement to route refinery acid gas and sour water stripper overhead to the SRU during an emissions event that occurred on May 19, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PERMIT  
TCEQ Air Permit No. 2507A PERMIT

Description: Failure to obtain a permit amendment prior to varying from permit application representations and causing a change in the character of emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(4)

Description: Failure to correctly identify the facility and emissions point common name in the notification of an excess opacity event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(5)  
Description: Failure to submit the correct time for an excess opacity event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(4)

Description: Failure to correctly identify the facility and emissions point common name in the notification of an excess opacity event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA  
TCEQ Air Permit No. 2507A PA

Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit Nos. 2501A and 2507A for the Fluidized Catalytic Cracking Unit Flare. See

Additional Discussion for details on emissions, limits and duration for this emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with applicable New Source Performance Standards (NSPS) and TCEQ Air Permit No. 2501A by combusting fuel gas containing 27.1 grains per standard cubic foot of hydrogen sulfide at the FCC flare (EPN 30FL5). See additional discussion for fuel gas hydrogen sulfide limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the requirements of TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing acid gas to the FCC Flare (EPN 30FL5) instead of processing it in the sulfur recovery unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to correctly submit the final record by facility.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The regulated entity failed to identify the common name of the facility experiencing the emissions event and the common emissions point name in the initial notifications.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The regulated entity failed to include the common name of the facility experiencing the emissions event and the common emissions point name in the final records.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

Description: The regulated entity failed to comply with the allowable limits of TCEQ Air Permit No. 2501A and 2507A for carbon monoxide, hydrogen sulfide, nitrogen oxides and sulfur dioxide.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits, and duration.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing refinery acid gas to a flare instead of the sulfur recovery unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of the air contaminants. See additional discussion for emissions, limits, and duration.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to meet the initial notification by not including a common name for the facility.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to meet the final reporting requirements by not including the common name of the facility.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 2 PA

Description: The regulated entity exceeded the authorized opacity limit of 20 percent by more than the reportable quantity of 15 additional percentage points averaged over a six-minute period at the FCCU regenerator stack.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

Description: The regulated entity failed to comply with the allowable limits of TCEQ Air Permit No. 2501A and 2507A for sulfur dioxide and hydrogen sulfide.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The regulated entity failed to include the common name of the facility experiencing the emissions event and the common name of the emissions point in the initial notifications.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event that exceeded a reportable quantity.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify the common name of the facility which incurred the emissions event in the final record.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PERMIT  
TCEQ Air Permit No. 2507A PERMIT

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits and duration.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions No. 4 E., 6 and 8 PERMIT

Description: Failure to equip an open ended valve in organic Hazardous Air Pollutants (HAP) service with a second valve, plug, cap or blind flange.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions No. 4E. and 6 PERMIT

Description: Failure to equip an open ended valve in VOC service with a second valve, plug, cap or blind flange.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

Description: Valero failed to submit a separate report for each facility involved in the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 2501A, Special Condition No. 1 PERMIT  
No. 2507A, Special Condition No. 1 PERMIT

Description: Failure to prevent an unplanned boiler shutdown resulting in unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)[G]

Description: Failure to comply with the emissions event reporting requirements.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 2507A Special Condition No. 1 PERMIT  
No. 2501A Special Condition No. 1 PERMIT

Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failed to submit a notification for facility that experienced a reportable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit 2501A, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit 2501A, Special Condition 1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A, SC6 PERMIT

Description: Failure to comply with TCEQ Air Permit No. 2507A, Special Condition No. 6.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT

Description: Failure to prevent the release of unauthorized emissions during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Permit 2501A, Special Condition 2 PERMIT

Description: Exceeded opacity limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failed to prevent emissions

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failed to prevent emissions event

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failed to submit emissions reports in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failed to comply with permitted limits

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter A 7.051[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failed to prevent nuisance conditions

B. Any criminal convictions of the state of Texas and the federal government.

Conviction Date: 4/18/2005 12:00:00AM

Type of Action: COURTORDER

Classification: Major

Rqmt Prov:

Citation: 2A TWC Chapter 7, SubChapter A 7.147[G]

Description: Unauthorized discharge of a pollutant.

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/22/2002	(155874)
N/A		
2	05/03/2002	(IE0001138007001
3	05/21/2002	(155878)
4	06/20/2002	(155882)
5	07/22/2002	(155886)
6	08/23/2002	(155890)
7	08/30/2002	(6762)
8	09/20/2002	(155893)
9	10/15/2002	(9157)
10	10/21/2002	(155896)
11	10/25/2002	(9350)
12	11/15/2002	(16232)
13	11/19/2002	(155900)
14	11/21/2002	(16529)
15	11/26/2002	(17092)
16	12/09/2002	(155905)
17	12/17/2002	(18292)
18	12/17/2002	(18243)
19	12/17/2002	(18617)
20	12/19/2002	(16306)
21	12/27/2002	(17852)
22	01/16/2003	(155909)
23	02/07/2003	(22590)
24	02/20/2003	(22703)
25	02/20/2003	(23695)

26	02/21/2003	(155867)
27	03/05/2003	(19917)
28	03/20/2003	(27376)
29	03/21/2003	(155870)
30	03/31/2003	(25810)
31	04/09/2003	(246481)
32	04/21/2003	(155875)
33	04/21/2003	(28674)
34	04/22/2003	(24982)
35	04/30/2003	(29974)
36	05/20/2003	(155879)
37	05/30/2003	(37977)
38	05/30/2003	(29605)
39	06/18/2003	(35482)
40	06/26/2003	(155883)
41	07/03/2003	(35450)
42	07/07/2003	(62086)
43	07/07/2003	(62111)
44	07/07/2003	(61454)
45	07/07/2003	(62089)
46	07/07/2003	(62098)
47	07/14/2003	(140758)
48	07/18/2003	(155887)
49	07/25/2003	(35349)
50	07/25/2003	(114197)
51	07/25/2003	(119402)
52	08/04/2003	(119955)
53	08/04/2003	(119954)
54	08/06/2003	(139366)
55	08/11/2003	(142966)
56	08/15/2003	(143026)
57	08/15/2003	(143867)
58	08/18/2003	(146444)
59	08/19/2003	(143885)
60	08/19/2003	(143927)
61	08/22/2003	(294511)
62	08/25/2003	(146803)
63	08/25/2003	(146710)
64	08/26/2003	(149864)
65	08/26/2003	(149666)
66	08/28/2003	(147452)
67	08/29/2003	(150288)
68	08/29/2003	(150294)
69	08/29/2003	(150286)
70	08/29/2003	(150300)
71	08/29/2003	(150290)
72	08/29/2003	(150287)
73	08/29/2003	(150295)
74	08/29/2003	(150298)
75	08/29/2003	(150291)
76	08/29/2003	(150297)
77	08/29/2003	(150299)
78	09/04/2003	(247684)
79	09/17/2003	(517131)
80	09/18/2003	(126946)
81	09/23/2003	(294513)
82	09/23/2003	(294518)
83	09/24/2003	(248196)
84	10/17/2003	(294515)
85	10/30/2003	(147976)
86	11/05/2003	(249523)
87	11/07/2003	(152532)
88	11/13/2003	(294516)
89	11/20/2003	(281094)
90	11/20/2003	(517135)
91	11/24/2003	(147980)
92	12/05/2003	(255456)



93 12/05/2003 (255457)

94 12/05/2003 (255459)

95 12/05/2003 (255460)

96 12/05/2003 (251452)

97 12/15/2003 (253102)

98 12/16/2003 (294517)

99 12/22/2003 (254339)

100 01/26/2004 (257136)

101 02/12/2004 (257706)

102 02/17/2004 (294501)

103 02/25/2004 (257948)

104 03/04/2004 (260962)

105 03/23/2004 (258540)

106 04/07/2004 (261524)

107 04/07/2004 (261175)

108 04/12/2004 (257214)

109 04/22/2004 (294504)

110 04/28/2004 (257215)

111 04/28/2004 (260954)

112 05/06/2004 (265188)

113 05/13/2004 (266477)

114 05/18/2004 (294506)

115 05/20/2004 (260968)

116 05/27/2004 (269564)

117 05/27/2004 (269566)

118 05/27/2004 (269560)

119 05/28/2004 (264798)

120 06/14/2004 (294508)

121 06/14/2004 (270852)

122 06/14/2004 (274705)

123 06/21/2004 (294503)

124 06/23/2004 (275361)

125 07/07/2004 (272779)

126 07/16/2004 (351787)

127 07/29/2004 (278713)

128 08/02/2004 (270510)

129 08/16/2004 (273862)

130 08/16/2004 (273873)

131 08/19/2004 (351788)

132 08/26/2004 (285903)

133 08/26/2004 (278395)

134 08/30/2004 (280526)

135 08/31/2004 (285881)

136 08/31/2004 (292423)

137 08/31/2004 (286662)

138 08/31/2004 (289712)

139 09/23/2004 (351790)

140 09/24/2004 (351786)

141 09/24/2004 (351789)

142 10/11/2004 (333468)

143 10/15/2004 (285900)

144 10/18/2004 (336800)

145 10/19/2004 (335816)

146 10/19/2004 (335907)

147 10/25/2004 (351791)

148 10/26/2004 (333660)

149 11/04/2004 (293252)

150 11/04/2004 (517133)

151 11/11/2004 (291133)

152 11/11/2004 (290143)

153 11/11/2004 (292771)

154 11/12/2004 (334809)

155 11/17/2004 (336148)

156 11/19/2004 (270763)

157	11/22/2004	(293279)
158	11/23/2004	(351792)
159	12/22/2004	(341311)
160	12/22/2004	(293301)
161	12/28/2004	(381683)

162	12/29/2004	(341784)
163	12/30/2004	(341786)
164	01/05/2005	(338615)
165	01/06/2005	(341788)
166	01/10/2005	(342683)
167	01/31/2005	(349063)
168	02/03/2005	(349551)
169	03/18/2005	(347744)
170	03/22/2005	(381682)
171	03/28/2005	(381681)
172	04/08/2005	(350433)
173	04/18/2005	(511002)
174	04/22/2005	(419479)
175	04/26/2005	(378333)
176	05/13/2005	(419480)
177	05/25/2005	(374927)
178	06/23/2005	(440631)
179	06/28/2005	(376330)
180	06/28/2005	(380360)
181	07/25/2005	(440632)
182	07/28/2005	(380007)
183	08/01/2005	(394168)
184	08/19/2005	(449391)
185	08/24/2005	(405569)
186	08/30/2005	(406150)
187	08/30/2005	(398453)
188	08/31/2005	(402136)
189	08/31/2005	(402447)
190	08/31/2005	(402449)
191	09/01/2005	(440633)
192	09/19/2005	(440636)
193	09/28/2005	(440634)
194	10/24/2005	(440635)
195	12/02/2005	(468112)
196	12/27/2005	(468113)
197	01/10/2006	(449982)
198	01/27/2006	(450186)
199	01/27/2006	(468114)
200	02/24/2006	(468110)
201	02/25/2006	(457037)
202	02/27/2006	(457158)
203	02/28/2006	(457238)
204	02/28/2006	(449951)
205	02/28/2006	(449830)
206	03/06/2006	(440402)
207	03/17/2006	(456074)
208	03/24/2006	(455235)
209	03/27/2006	(468111)
210	04/04/2006	(460600)
211	04/04/2006	(450259)
212	04/04/2006	(484501)
213	04/04/2006	(455290)
214	04/17/2006	(455285)
215	04/24/2006	(497980)
216	04/25/2006	(457910)
217	05/01/2006	(463424)
218	05/17/2006	(462752)
219	05/17/2006	(462534)
220	05/25/2006	(497981)

221	05/25/2006	(467406)
222	05/25/2006	(467410)
223	05/25/2006	(467411)
224	05/25/2006	(467413)
225	05/25/2006	(479192)
226	05/30/2006	(480185)
227	05/31/2006	(480495)
228	06/02/2006	(466664)
229	06/02/2006	(449745)

230	06/05/2006	(481197)
231	06/13/2006	(457562)
232	06/20/2006	(481339)
233	06/23/2006	(497982)
234	06/30/2006	(466897)
235	07/11/2006	(484212)
236	07/11/2006	(484217)
237	07/11/2006	(485431)
238	07/11/2006	(485211)
239	07/11/2006	(484218)
240	07/12/2006	(485707)
241	07/17/2006	(467191)
242	07/20/2006	(487229)
243	07/24/2006	(487951)
244	07/24/2006	(487838)
245	07/25/2006	(488197)
246	08/21/2006	(519997)
247	08/21/2006	(519998)
248	08/24/2006	(509977)
249	09/01/2006	(497507)
250	09/07/2006	(457421)
251	09/19/2006	(519999)
252	10/12/2006	(514788)
253	10/20/2006	(520000)
254	10/23/2006	(510591)
255	10/25/2006	(516346)
256	11/06/2006	(514699)
257	11/07/2006	(516134)
258	11/08/2006	(513557)
259	11/10/2006	(494149)
260	11/10/2006	(489514)
261	11/10/2006	(490256)
262	11/10/2006	(489909)
263	11/10/2006	(497338)
264	11/20/2006	(544242)
265	11/21/2006	(531593)
266	12/04/2006	(531849)
267	12/07/2006	(532001)
268	12/07/2006	(533208)
269	12/11/2006	(511248)
270	12/12/2006	(532173)
271	12/19/2006	(544243)
272	12/21/2006	(534112)
273	12/29/2006	(518678)
274	01/18/2007	(544244)
275	01/24/2007	(537745)
276	01/31/2007	(537333)
277	01/31/2007	(537702)
278	02/05/2007	(538081)
279	02/20/2007	(540176)
280	02/21/2007	(539856)
281	02/27/2007	(512312)
282	03/26/2007	(457476)
283	03/27/2007	(554074)
284	04/13/2007	(554910)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	07/31/2002	(155890)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	08/31/2002	(155893)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	10/16/2002	(9157)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)			
Description:	Failure to initially notify the City of Houston, Bureau of Air Quality Control of a reportable upset within 24 hours after the discovery of the upset.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	PA TNRCC Air Permit No. 2501A			
Description:	Exceeded the 20% opacity limit, averaged over six-minute periods.			
Date	12/17/2002	(18617)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(e)(8)			
Description:	Failure to include the authorized opacity limit in a notification of an excess opacity event.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	PA TCEQ Air Permit No. 2501A			
Description:	Failure to maintain opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) regenerator stack within the authorized limit of 20%, averaged over a six-minute period.			
Date	04/09/2003	(246481)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date	12/31/2003	(294518)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/24/2004	(257948)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(7)			
Description:	Failure to list all individual pollutants of emissions event dated October 9, 2003.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)			
Description:	Failure to list the estimated total quantities for those compounds or mixtures involved in the emissions event dated October 9, 2003.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(g)			
Description:	Failure to enter the final record (pollutants, amounts, updated cause and authorizations) of emissions event dated October 9, 2003 electronically.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(b)(1)(B)			
Description:	Failure to adhere to the permit representations. 100 lbs of carbon black particles were emitted to the atmosphere during this emissions event without obtaining a permit amendment when there was a change in the character of the emissions.			
Date	03/31/2004	(261175)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 106, SubChapter T 106.454(3)(B)[G] 30 TAC Chapter 115, SubChapter E 115.412(1)(A)			
Description:	The RE failed to close the solvent cleaner cover when parts were not being handled.			
Date	04/09/2004	(261524)		

Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PA TCEQ Air Permit No. 2501A, SC 5		
Description:	During the investigation conducted on January 27, 2004, it was determined that Valero Refining - Texas, L.P. failed to monitor monthly cooling tower water for Volatile Organic Compounds (VOC) with an approved air stripping system or equivalent for Cooling Tower Nos. 3 and 10 in April 2002 and September 2003.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)		
Description:	During the investigation conducted on January 27, 2004, it was determined that Valero failed to maintain records that contained sufficient information to demonstrate compliance with all applicable PBR conditions for Cooling Tower No. 3 for 30 TEX. ADMIN. CODE § 106.261(3), (4), (7), & (8), September 4, 2000.		
Date	05/19/2004	(260968)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
Description:	Failure to keep the allowed opacity of emissions from the Sulfur Recovery Unit Incinerator Stack (Emissions Point Number 46CB6301) from exceeding 20 percent averaged over a six-minute period. The opacity that exceeded the limit was 45% over a duration of 3 hours.		
Date	06/14/2004	(270852)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 106, SubChapter K 106.261(8)(A)		
Description:	Failure to submit PI-7 Form required by 30 TAC 106.261 in a timely basis.		
Date	10/26/2004	(333660)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2)		
Description:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1) Failure to submit to the EPA administrator, a semi-annual report containing the all the information specified in paragraphs (d)(2), (d)(3), and (d)(4) of 40 CFR § 63.182.		
Date	08/19/2005	(449391)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE		
Date	08/31/2005	(402449)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
Rqmt Prov:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	PERMIT Special Condition No. 2 Failure to maintain opacity of emissions less than 20% at the FCCU Stack.		
Date	08/31/2005	(402447)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
Rqmt Prov:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	PERMIT Special Condition No. 2 Failure to maintain opacity of emissions less than 20% at the FCCU stack.		
Date	12/31/2005	(468114)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter		
Date	01/10/2006	(449982)	
Self Report?	NO	Classification	Moderate
Citation:	TWC Chapter 26 26.121(a)(1)		
Description:	Failure to prevent the unauthorized discharge of wastewater. Unauthorized discharges (UD) occurred on 12/15/05 from the aeration basin, temporary pump for		

the ditch leading to outfall 008, and cooling tower #3. In addition, two UDs were reported from cooling tower #10.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.4

Description: Failure to monitor for Carbonaceous Biochemical Oxygen Demand (CBOD) as required by the permit issued on August 25, 2005.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)

Description: Failure to complete the Discharge Monitoring Reports (DMR) correctly. Several effluent values and the frequency of analysis were reported incorrectly on the DMRs in February 2005, March 2005, May 2005, June 2005, July 2005, August 2005, and September 2005. See attached Table 1.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to calculate loading values correctly.

Date 05/31/2006 (497982)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]

Date 06/21/2006 (509977)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Self-reporting Requirements

Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

Date 07/31/2006 (519998)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]

Date 08/31/2006 (519999)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]

Date 09/07/2006 (457421)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP # O-01381, Special Condition #19  
OP FOP # O-01381, Special Condition #1A  
PA NSR Permit 2501A, Special Condition 4E  
PA NSR Permit 48982, Special Condition 6E

Description: Failure to cap open-ended valves or lines.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition 3B.iv.1

Description: Failure to perform visible observations on stationary source engines 50GG1925 and 50GG1926.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(e)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition #1A

Description: Failure to submit the required semi-annual report for gas fired engines per 30 TAC 117.219(e).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(I)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition #19

Description:	OP FOP# O-01381, Special Condition #1A PA NSR Permit #2501A, Special Condition 10C Failure to limit visible emissions to a rate of less than 5 minutes over 2 consecutive hours.		Classification	Minor
Self Report?	NO			
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP FOP #O-01381, Special Condition #19 OP FOP# O-01381, Special Condition #1A PA NSR Permit #2498A, Special Condition #1			
Description:	Failure to repair leaking components within 15 days.		Classification	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP FOP #O-01831, Special Condition #19 PA NSR #19637, Special Condition #12A & 12B			
Description:	Failure to continuously monitor for NOx and CO during the 2nd quarter of 2005.		Classification	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(2)			
Rqmt Prov:	5C THC Chapter 382, SubChapter A 382.085(b) OP FOP #O-01381, Special Condition #11B			
Description:	Failure to operate 15 existing junction boxes with tight seals during the second quarter of 2005.		Classification	Minor
Self Report?	NO			
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(4) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP FOP #O-01381, Special Condition #11B			
Description:	Failure to repair NSPS Subpart QQQ equipment within 15 days.		Classification	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart DDDDD 63.7505(e) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP FOP# O-01381, Special Condition #1A			
Description:	Failure to develop a Startup, Shutdown and Malfunction Plan (SSMP) for boilers.		Classification	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP FOP #O-01381, Special Condition #19 PA NSR Permit #19637, SC #6			
Description:	Failure to meet the NSR Permit 10 ppmvd ammonia limit for Package Boiler #1.		Classification	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 115, SubChapter H 115.729(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP FOP #O-01381, Special Condition #1.j.i)			
Description:	Failure to establish the monitoring and testing parameters of 30 TAC Chapter 115.725(a)(2) by the compliance deadline of December 31, 2005.		Classification	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 115, SubChapter H 115.729(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP FOP #O-01381, Special Condition #1.j.ii			
Description:	Failure to establish the written quality assurance plan of 30 TAC Chapter 115.726(a)(1) by the compliance date of December 31, 2005.		Classification	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(5) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP FOP# O-01381, Special Condition #1A			
Description:	Failure to repair API Separator seal gaps within 15 days.		Classification	Minor
Self Report?	NO			
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP FOP# O-01381, Special Condition #19  
 OP FOP# O-01381, Special Condition #1A  
 PA NSR Permit 2501A, Special Condition #4E  
 PA NSR Permit 48982, Special Condition #6E  
 Description: Failure to cap open-ended valves or lines in HAP service.  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP FOP# O-01381, Special Condition # 19  
 OP FOP# O-01381, Special Condition #1A  
 PA NSR Permit 2501A, Special Condition #4E  
 PA NSR Permit 48982, Special Condition #6E  
 Description: Failure to cap open-ended valves and lines in HRVOC service.  
 Date 10/12/2006 (514788)  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT No. 2501A, Special Condition 1  
 Description: Failure to prevent unauthorized emissions.  
 Date 03/27/2007 (457476)

Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT No. 2501A Special Condition #1  
 Description: Failure to submit emissions event notification in a timely manner.  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 Description: Failure to report an emissions event in a timely manner.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
VALERO REFINING-TEXAS, L.P.  
RN100219310**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0604-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Valero Refining-Texas, L.P. ("Valero Houston Refinery") under the authority of TEX. HEALTH & SAFETY CODE CH. 382 and TEX. WATER CODE CH. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Valero Houston Refinery presented this agreement to the Commission.

Valero Houston Refinery understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Valero Houston Refinery agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Valero Houston Refinery.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. Valero Houston Refinery owns and operates a petroleum refinery at 9701 Manchester Street in Houston, Harris County, Texas (the "Plant").



2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on April 3, 2007, TCEQ staff documented the unauthorized release of 27,853 pounds ("lbs") of sulfur dioxide ("SO2") from the Belco Wet Gas Scrubber at the Complex 1 Regenerator, resulting in an emissions event that occurred on March 18, 2007, and lasted for fifty-one hours (Incident No.88446).
4. During an investigation on April 5, 2007, TCEQ staff documented the unauthorized release of 195.60 lbs of volatile organic compounds, 130.40 lbs of carbon monoxide, 18.70 lbs of nitrogen oxides, 16.80 lbs of hydrogen sulfide and 1,545.50 lbs of SO2 from the Amine Recovery Unit, resulting in an emissions event that occurred on March 22, 2007, and lasted for sixteen hours fifteen minutes (Incident No.88703).
5. During an investigation on April 27, 2007, TCEQ staff documented the unauthorized release of 1,463 lbs of SO2 from the caustic blending system at the Complex 1 Regenerator, resulting in an emissions event that occurred on April 6, 2007, and lasted for five hours (Incident No.89363).
6. Valero Houston Refinery received notice of the violations on April 16, April 24, and May 7, 2007.
7. The Executive Director recognizes that Valero Houston Refinery has implemented the following corrective measures at the Plant:
  - a. On March 19, 2007, completed the installation of high pH and low pH alarm points on the Fluid Catalytic Cracking Unit Wet Gas Scrubber quench circulation loop and filter module circulation loop. The audible alarms have been installed on the distributive control system ("DCS") to notify the operators when the wet gas scrubber falls outside its normal operating window (Incident 88446); and
  - b. On April 9, 2007, disabled the caustic blending system to prevent its malfunction. At present the caustic is directly routed to the Wet Gas Scrubber bypassing the blending system (Incident 89363).

## II. CONCLUSIONS OF LAW

1. Valero Houston Refinery is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE CH. 382 and TEX. WATER CODE CH. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Valero Houston Refinery failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 50232, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

1. The first part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen.

2. The second part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen.

3. The third part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen.

4. The fourth part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen.

5. The fifth part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen.

6. The sixth part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen.

7. The seventh part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen.

8. The eighth part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen.

9. The ninth part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen.

#### REFERENCES

1. The first reference is to a paper by J. H. Plesch and G. S. Hammond, *Journal of the American Chemical Society*, 61, 3086 (1939).

2. The second reference is to a paper by J. H. Plesch and G. S. Hammond, *Journal of the American Chemical Society*, 61, 3094 (1939).

3. As evidenced by Findings of Fact No. 4, Valero Houston Refinery failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 2501A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222
4. As evidenced by Findings of Fact No. 5, Valero Houston Refinery failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 50232, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Valero Houston Refinery for violations of the TEXAS WATER CODE and the TEXAS HEALTH AND SAFETY CODE within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Forty-Six Thousand One Hundred Fifty Dollars (\$46,150) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Valero Houston Refinery has paid Twenty-Three Thousand Seventy-Five Dollars (\$23,075) of the administrative penalty. Twenty-Three Thousand Seventy-Five Dollars (\$23,075) is conditionally offset by Valero Houston Refinery's completion of a Supplemental Environmental Project ("SEP").

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Valero Houston Refinery is assessed an administrative penalty in the amount of Forty-Six Thousand One Hundred Fifty Dollars (\$46,150) as set forth in Section II, Paragraph 6. above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Valero Houston Refinery's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2007-0604-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088



2. Valero Houston Refinery shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, Twenty-Three Thousand Seventy-Five Dollars (\$23,075) of the assessed administrative penalty shall be offset with the condition that Valero Houston Refinery implement the SEP defined in Attachment A, incorporated herein by reference. Valero Houston Refinery's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Valero Houston Refinery shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Ensure that training on the Belco Wet Gas Scrubber operation has been provided to the Fluid Catalytic Cracking Unit supervisors and console operators (Incident 88446);
    - ii. Implement measures to ensure that the relief valves and such devices in the Amine Unit operate correctly and supervisory and operations personnel are adequately trained to prevent such incidents (Incident 88703); and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality





5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon Valero Houston Refinery. Valero Houston Refinery is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Valero Houston Refinery fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Valero Houston Refinery's failure to comply is not a violation of this Agreed Order. Valero Houston Refinery shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Valero Houston Refinery shall notify the Executive Director within seven days after Valero Houston Refinery becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Valero Houston Refinery shall be made in writing to the Executive Director. Extensions are not effective until Valero Houston Refinery receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Valero Houston Refinery if the Executive Director determines that Valero Houston Refinery has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against Valero Houston Refinery in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



Valero Refining-Texas, L.P.  
DOCKET NO. 2007-0604-AIR-E  
Page 6

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

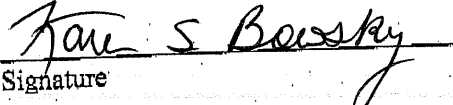
8/15/2007  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Valero Refining-Texas, L.P. I am authorized to agree to the attached Agreed Order on behalf of Valero Refining-Texas, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Valero Refining-Texas, L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
  - Greater scrutiny of any permit applications submitted;
  - Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
  - Increased penalties in any future enforcement actions;
  - Automatic referral to the Attorney General's Office of any future enforcement actions; and
  - TCEQ seeking other relief as authorized by law.
- In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

5-24-07  
Date

KAREN S. BOWSKY  
Name (Printed or typed)  
Authorized Representative of  
Valero Refining-Texas, L.P.

VICE PRESIDENT &  
Title GENERAL MANAGER

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861.

2. The second part is a report from the Secretary of the Treasury, dated January 1, 1861.

3. The third part is a report from the Secretary of the Interior, dated January 1, 1861.

4. The fourth part is a report from the Secretary of the Navy, dated January 1, 1861.

5. The fifth part is a report from the Secretary of the War, dated January 1, 1861.

6. The sixth part is a report from the Secretary of the State, dated January 1, 1861.

7. The seventh part is a report from the Secretary of the War, dated January 1, 1861.

8. The eighth part is a report from the Secretary of the Navy, dated January 1, 1861.

9. The ninth part is a report from the Secretary of the War, dated January 1, 1861.

**Attachment A**  
**Docket Number: 2007-0604-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Valero Refining-Texas, L.P.</b>
<b>Payable Penalty Amount:</b>	<b>Forty-Six Thousand One Hundred Fifty Dollars (\$46,150)</b>
<b>SEP Amount:</b>	<b>Twenty-Three Thousand Seventy-Five Dollars (\$23,075)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088





The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

